

# Police Prosecutor Update

Issue No. 174  
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This issue will briefly examine legislation passed by the 2006 legislature. It cannot be an in-depth examination. Unless noted otherwise, all legislation is effective July 1, 2006.

P.L. 3-2006 makes disorderly conduct, **IC 35-45-1-3**, a Class D felony if it (1) is committed within 500 feet of the location where a funeral, burial, memorial service, funeral procession, or viewing is taking place, and (2) adversely affects the event. It also makes intimidation, **IC 35-45-2-1**, a Class D felony if the person to whom the threat is communicated is an employee of a court, a probation department, or a community corrections program. The changes to these statutes are now in effect.

P.L. 143-2006 amended **IC 35-44-3-3** to impose a mandatory minimum sentence for resisting law enforcement in certain instances. This mandatory minimum is either 30 days, 180 days, or one year and cannot be suspended.

P.L. 26-2006 expands the definition of “family housing complex” for controlled substance offenses to include a hotel or motel, an apartment complex, or a building that contains subsidized housing. It also amended neglect of a dependent, **IC 35-46-1-4**, to make the offense a Class C felony if it is committed in a location where a person is violating IC 35-48-4-1 or is the result of a violation of IC 35-48-4-1.

P.L. 129-2006 makes domestic battery, **IC 35-42-2-1.3**, a Class D felony if the person committing it (1) has a prior unrelated conviction for a substantially similar crime in any other jurisdiction (including a military court), or (2) knowingly committed it in the presence of a child less than 16 years of age. It also created the offense of strangulation, **IC 35-42-2-9**, a Class D felony.

P.L. 70-2006 makes criminal confinement, **IC 35-42-3-3**, a Class D felony if it is committed by using a vehicle or results in bodily injury to a person other than the confining or removing person.

P.L. 75-2006 amended **IC 35-42-2-2** to make criminal recklessness a Class D felony if the person committed aggressive driving that results in serious bodily injury to another person and a Class C felony if the aggressive driving results in the death of another person. “Aggressive driving” is defined in IC 9-21-8-55 as doing or committing at least three of the following in one episode of continuous driving: following a vehicle too closely, unsafe operation of a vehicle, overtaking another vehicle on the right by driving off the roadway, unsafe stopping or slowing a vehicle, unnecessary sounding of the horn, failure to yield, failure to obey a traffic control device, driving at an unsafe speed, repeatedly flashing of headlights. The amendment also makes criminal recklessness a Class C felony if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. Prior to this amendment, the shooting had to be done from a vehicle.

P.L. 72-2006 enacted **IC 35-47-5-2.5** making, with some exceptions, possession of a knife on school property, on a school bus, or on a special purpose bus a Class B misdemeanor. It is a Class A misdemeanor if the person has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

P.L. 106-2006 amended **IC 35-43-5-2** to create the crime of application fraud where a person knowingly or intentionally (1) uses false information or otherwise commits fraud in an application for an identification card, or (2) uses a false name or address or otherwise commits fraud in an application for a driver’s license or permit. The offense is a Class D felony.

P.L. 109-2006 adds **IC 35-43-5-2.5** which provides that a person who knowingly or intentionally possesses, produces, or distributes a document not issued by a government entity that purports to be a government issued identification commits a Class A misdemeanor.

P.L. 189-2006 amended the self-defense statute, **IC 35-41-3-2**, to make clear that a person has no duty to retreat before using force or deadly force. Also, it extends self-defense to prevent or terminate an unlawful entry of a person’s occupied motor vehicle.